IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2977 OF 2007

Ashutosh @ Sachin Jagdish Dubey ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr M. P. Mishra, Advocate for the applicant.

Mr S. S. Pednekar, A.P.P for the respondent.

CORAM: V. C. DAGA,J.
DATED: 10.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant - original accused arrested in C. R. No. 256 of 2007, registered with Kurar Police Station, for the offence under Sections 452, 397 506 (2), 341, 342, 427 of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. According to the prosecution, the accused - applicant alongwith co-accused committed robbery in the house of the complainant and he sold the ornaments which were robbed by him at Paris Jewellers, Natraj Shopping Centre, S.V. Road, Malad (West). On the

basis of the said complaint, C. R. No. 256 of 2007 came to be registered.

5. Learned A.P.P. opposed this application contending that statement of the jeweller was recorded; wherein, the jeweller has stated that the present applicant-accused has sold gold ornaments worth Rs. 1,40,000/-. With this material, if one comes to the antecedents of the present applicant, four C.Rs. are pending against him bearing Nos.391 of 2006, 282 of 2006, 65 of 2005 and 328 of 2004. No doubt, he is on bail, so far as earlier two C.Rs. are concerned, but that, by itself, is not sufficient to grant bail in this application.

6. Here, I may mention that the observations made by learned Additional Sessions Judge, Greater Bombay in para 6 of the order dated 14.8.2007, while rejecting application for bail. Para 6 of the said order reads as under:-

> "Perused the report. The report discloses that four more crimes are registered against the accused - applicant, thereby the possibility of committing similar offence if accused-applicant is released on bail cannot be ruled out. So far as the parity is concerned, the accused-applicant was found to be minor at the time of commission of offence, on the basis of his birth certificate. The report is filed in this case which specifically mentioned that so many crimes are registered against him. Therefore, accused-applicant is not entitled for bail on the ground of parity."

7. Looking to the criminal antecedents, material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Additional Sessions Judge, Greater Bombay in its order dated 14.8.2007 in B.A.No. 1085 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

8. In the result, the present application stands rejected.

9. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)